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Commission on
Judicial Performance

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING FORMER
JUDGE GEORGE W. TRAMMELL, III
NO. 146.

NOTICE OF FORMAL PROCEEDINGS

To George W. Trammell, III, a judge of the Los Angeles County Municipal Court from May 25, 1971 to January 31, 1988, and a judge of the Los Angeles County Superior Court from January 31, 1988 to January 10, 1997, and at all relevant times therein:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, improper action and dereliction of duty within the meaning of Article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, and

providing for barring a former judge who has been censured from receiving an assignment, appointment, or reference of work from any California state court, to wit:

Ming Ching Jin, Yu Ching Chu, and Pifen Lo were co-defendants charged with multiple violent and non-violent felonies under Los Angeles Superior Court case no. BA 108979. The case was assigned to you on October 10, 1995. At the time of their arrest, Jin and Lo were divorced, but had resumed living together with their three children.

On January 18, 1996, Lo pled nolo contendere to charges against her. On April 26, 1996, you sentenced Lo to five years probation with credit for time served. Lo was released from jail. Jin and Chu remained in jail.

On April 29, 1996, you had an ex parte communication with Lo in your chambers. During the conversation, you told Lo that she looked much better than she did when she was in jail. You also told her that if she ran into trouble, she should call you. You winked at her and touched her shoulder.

On April 30, 1996, you refused to hear Jin's motion to suppress evidence under section 1538.5 of the Penal Code. This refusal was "with prejudice" to any renewal of such motion. All moving papers related to the motion were ordered stricken.

On May 22, 1996, Jin pled guilty to various non-violent felonies. Pursuant to the negotiated disposition, the district attorney's office agreed to dismiss all of the non-violent felonies charged against Chu.

Jin and Chu proceeded to jury trial on the remaining violent felonies. On July 3, 1996, Jin was found guilty of kidnapping for extortion, residential robbery, and assault with a semi-automatic firearm, and faced a sentence of life in prison without the possibility of parole. On July 8, 1996, Chu was convicted of

kidnapping for extortion and residential robbery, and faced a sentence of life in prison. Jin and Chu subsequently filed motions for new trial.

On September 13, 1996, you appointed attorney Karen Gee for Chu. Ms. Gee was to investigate whether Chu's trial counsel, Enid Ballantyne, had represented her competently. You told Chu that the appointment of Ms. Gee would not delay her new trial motion or sentencing.

Between September 1996 and early January 1997, you telephoned Lo's residence or pager approximately 47 times; Lo telephoned your residence or chambers approximately 82 times. During this period, you had a sexual relationship with Lo.

During this time when you were having ex parte communications with Lo, Chu communicated with Jin by letter and with Lo by telephone. Lo and Jin also engaged in oral communication many times.

Lo surreptitiously taped four of the telephone conversations with you because she claims to have been frightened of you. She was in fear because you wanted to live with her and her three children. She also feared that the police would not believe her, and she was afraid you might revoke her probation.

On September 18, 1996, Lo came to your chambers at your request. You engaged in ex parte discussions, which included Jin's pending sentencing. You also told Lo that if she wanted Jin to get out of jail early, she would have to "pay the price." You touched her breast and kissed her. You told her that you started to love her the day she pled no contest in your court.

On September 20, 1996, you called Chu into your chambers and engaged in an ex parte conversation with her regarding her knowledge of a birthday card sent to you by Jin. You discussed Chu's desire to have vegetarian meals in jail and to attend a class or program in jail. You told her not to tell her attorney, Ms. Ballantyne, about the chambers meeting. You told your bailiff, Deputy Edward

Borunda, that you were angry and upset about Jin's knowledge of your birthday and that you feared Jin.

Subsequent to your in-chambers meeting with Chu, you left an ex parte telephone message for Chu's attorney, Ms. Ballantyne, that she should file a motion to reduce bail. Such a motion was filed on October 9, 1996.

On September 21, 1996, you telephoned Lo's home and gave her your home address and asked her to come to your house the next day. On September 22, 1996, Lo went to your house. You again discussed sentencing in regards to Jin's case. You told her that if she did not want Jin in jail for life, then she would have to "pay the price." You then had sexual intercourse with Lo.

On October 4, 1996, Chu's lawyer, Ms. Ballantyne, filed a Code Civ. Proc., section 170.1 motion to disqualify you based on your ex parte conversation with Chu in your chambers on September 20, 1996. Jin also filed a 170.1 affidavit.

In a taped telephone conversation with Lo on October 17, 1996, you discussed Jin's legal representation and the consequences of a CCP 170.1 challenge against you by Chu's attorney. You told Lo that if Chu did not withdraw her CCP 170.1 motion, both Chu and Jin would have their sentencing hearings sent to another judge downtown because it was a co-defendant case. On this same date, Chu telephoned Lo from the Pomona Courthouse. It appears that Chu consulted with Lo, Jin and members of Jin's family regarding her case.

In another recorded telephone conversation, you and Lo again discussed Chu's attorney and her filing a challenge for cause against you. You said that Chu's attorney had made some "big mistakes" during the jury trial.

On October 18, 1996, a hearing was held on Chu's motions to disqualify you and to reduce bail. Chu withdrew her motion to disqualify you. Jin also withdrew his 170.1 affidavit. The possibility of the deputy district attorney

disqualifying you was also discussed; he declined to do so. The possibility of you disqualifying yourself was also discussed; you declined to do so. You did not disclose your relationship or ex parte communications with Lo at this hearing (nor did you disclose such information at any other time). Addressing Jin, you disingenuously referred to Pifen Lo as "whatever the name is of your wife or ex-wife."

Also during the October 18 hearing, Chu's new trial motion and sentencing were continued over Ms. Ballantyne's objection because Ms. Gee had not as yet filed any findings regarding the issue of competency of Ms. Ballantyne's representation. You granted Chu's motion to reduce bail so that she could attend the class or program in jail and you agreed to issue an order regarding vegetarian meals for Chu in jail.

You had ex parte communication with Lo regarding the return of property seized pursuant to a search warrant. You told Lo what documents she would need to obtain in order to have the property returned to her. On or shortly before October 25, 1996, you initiated an ex parte telephone conversation with attorney Dale Rubin, in which you suggested that he file a motion for return of the property to Lo. You told Mr. Rubin that Lo had written you a letter requesting return of the property. The court file reflects that the letter from Lo requesting return of property was dated November 6, 1996.

You appointed Mr. Rubin to represent Lo regarding the return of property. Mr. Rubin filed such a motion and a hearing was held before you on December 6, 1996. At the hearing, Deputy District Attorney Morrison argued strenuously against the return of property. You responded as if an advocate for Lo and ordered return of almost all of the requested property.

On or about December 9, 1996, you initiated another ex parte telephone conversation with Mr. Rubin. You told Mr. Rubin that you had heard that the deputy district attorney was not going to abide by your order to return the property

to Lo, and you wanted to know if it was true. You said that if it were true you would set a hearing regarding contempt.

Approximately one to two weeks later, you initiated another ex parte telephone conversation with Mr. Rubin. You said that you thought Lo had not been adequately represented and had overpled. You told Rubin to file a motion for termination of Lo's probation in March 1997, and that if Lo had been complying with probation up to that point, you would be inclined to grant the motion.

On December 6, 1996, Chu's motion for new trial and her sentencing were again set for hearing. Ms. Gee still had not filed any findings regarding the competency of counsel issue. You continued both matters, despite Ms. Ballantyne's objections and Chu's refusal to waive time for sentencing. Ms. Ballantyne asked to be relieved from representing Chu and was denied. Ms. Ballantyne then moved to have Ms. Gee removed for failure to submit findings in a timely manner. You denied that motion also.

In a taped conversation between you and Lo on January 5, 1997, you explained beeper code messages you had left for her. 99 meant "hi"; 55 meant "I love you"; 55 - 100 meant "I love you 100%"; 88 meant "good night." In that same conversation, you and Lo discussed the pending hearings regarding Jin. You also told Lo that you had received a letter from Jin concerning his pro per status at the jail and that you had issued orders to the sheriff to allow him his pro per privileges.

On January 6, 1997, sheriff's investigators contacted you and showed you a copy of a "petition" to a court of appeal (apparently drafted by Jin, mailed to Lo from jail and intercepted by the sheriff's department) alleging sexual misconduct by you with Lo. That same day you vacated a condition of Lo's probation (that she receive psychiatric counseling) without the knowledge or consent of either Lo's attorney or the prosecuting attorney.

On January 10, 1997, you resigned from judicial office. The motions for new trial and the sentencings of Jin and Chu were still pending.

Jin and Chu filed habeas corpus petitions requesting relief based upon your misconduct. In May 1997, Judge Frank F. Fasel conducted an evidentiary hearing. Judge Fasel found that you had committed misconduct and as a result set aside the convictions of Jin and Chu and granted new trials.

By the foregoing, you abused your judicial office, became embroiled in matters pending before you, engaged in improper ex parte communications, had an improper personal relationship with a defendant, allowed that personal relationship to influence your judicial conduct and judgment, permitted that defendant to convey the impression that she was in a special position to influence you, failed to disqualify yourself, failed to disclose information relevant to disqualification, used the prestige of judicial office to advance your personal interests, and failed to dispose of matters pending before you fairly, promptly, and efficiently. Your conduct violated the California Code of Judicial Ethics, canons 1, 2A, 2B(1), 2B(2), 3B(7), 3B(8), 3E and 4A.

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.


Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 101 Howard Street, Suite 300, San Francisco, California 94105. The answer shall be verified and shall conform in style to subdivision (c) of rule 15 of the Rules on Appeal. The notice of formal

proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This notice of formal proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: December 16, 1997



CHAIRPERSON

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

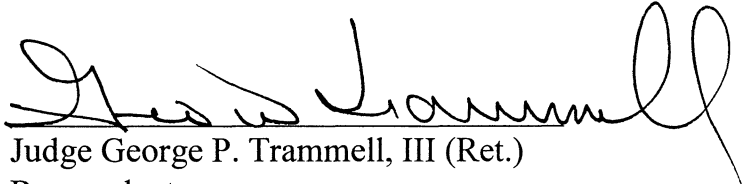
INQUIRY CONCERNING FORMER
JUDGE GEORGE W. TRAMMELL, III,
NO. 146.

ACKNOWLEDGEMENT OF SERVICE
OF THE NOTICE OF FORMAL
PROCEEDINGS

I, George W. Trammell, III, hereby waive personal service of the Notice of Formal Proceedings in Inquiry No. 146 and agree to accept service by mail. I acknowledge receipt of a copy of the Notice of Formal Proceedings by mail and, therefore, that I have been properly served pursuant to Rules of the Commission on Judicial Performance, rule 118 (c).

Dated: _____

2/2/98



Judge George P. Trammell, III (Ret.)
Respondent